

Docket No.: 1422-0709PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Mitsuko IDENO et al.

Application No.: 10/568,745

Confirmation No.: 6655

Filed: February 21, 2006

Art Unit: 1636

For: PROCESS FOR PRODUCING CYTOTOXIC  
LYMPHOCYTES

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Examiner: Not Yet Assigned

**LETTER**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

Under the provisions of MPEP § 2001.06(b), the Examiner is hereby advised of the following co-pending U.S. Application(s):

<u>Appl. No.</u>	<u>Filing Date</u>	<u>Group</u>
11/831,423	July 31, 2007	1644
10/486,512	February 12, 2004	1644
10/509,055	September 24, 2004	1644
10/344,534	February 12, 2003	1644
11/790,025	April 23, 2007	1651

The subject matter contained in the above-listed co-pending U.S. application(s) may be deemed to relate to the present application, and thus may be material to the prosecution of this instant application.

☐ Copies of cited U.S. patent application(s) (specification, claims, and the drawings) or copies of the portion(s) of the application(s) which caused it(them) to be cited, including any claims directed to such portion(s) are attached hereto.

☒ Copies of the cited U.S. patent application(s) (specification, claims, and the drawings) are available on the USPTO's Image File Wrapper. Therefore copies thereof need not be attached.

☐ The materials in the envelope are considered trade secrets and are being submitted for consideration under MPEP § 724.

The above-listed co-pending application(s) is(are) not to be construed as prior art. By bringing the above-listed application(s) to the attention of the Examiner, Applicant(s) do(does) NOT waive any confidentiality concerning the above-listed co-pending application(s) or this application. See MPEP § 101. Furthermore, if said application(s) should not mature into patents, such application(s) should be preserved in secrecy under the provisions of 35 U.S.C. § 122 and 37 C.F.R. § 1.14.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

**JUN 03 2009**

Respectfully submitted,

By msw (130070,068)

Marc S. Weiner

Registration No.: 32,181

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Attorney for Applicant



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**INFORMATION DISCLOSURE STATEMENT**  
**(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL**  
**REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE**  
**1.114 RCE APPLICATION)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

- ☒ a. Copies of cited U.S. patents and patent application publications are not included.  
Copies of foreign patent documents and non-patent literature are included.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- ☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE – Some or all of the patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.
- ☒ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: **English Abstracts are provided for references, JP-9-25299-A, JP-4297494, JP-6306096, JP-2001314183, JP-11505419, JP-3104178, WO 97/18318, WO 9528479, JP-2729712, Mizobata, J. Wakayama Med. Soc. 46:457-467 and Shun *et al.*, Zhongguo Haiyang Yaowu Drugs, 1995, 14:9-13. A partial translation of *Genetic Medicine*, 1999, 32:114-119 is also provided.**
- ☒ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3). **International Search Reports are provided for PCT International Application No. PCT/JP02/08298, which corresponds to co-pending U.S. National Stage Application No. 10/486,572 and PCT International Application No. PCT/JP01/07032, which corresponds to co-pending U.S. National Stage Application No. 10/344,534. The International Search Report for PCT International Application No. PCT/JP02/08298 provides the degree of relevance for Tani *et al. Cancer Therapy & Host*, 2000, Vol. 12, No. 4, pp. 330-335, to co-pending U.S. Application No. 10/486,572. The International Search Report for PCT International Application No. PCT/JP01/07032 provides the degree of relevance for Kato *et al. Jpn. J. Phycol.*, March 2000, vol. 48, pp. 13-19, to co-pending U.S. Application No. 10/344,534.**

☒ d. OTHER - The following additional information is provided for the Examiner's consideration. **A Japanese Office Action dated October 21, 2008 is provided. Please note that References 1-7 are submitted herewith, Reference 8 was submitted in an Information Disclosure Statement on May 23, 2006. Also, two other Japanese Office Actions, both dated December 24, 2008, are supplied herewith. Please further note that WO-00/56368-A1 corresponds to US-20060166924-A1. JP-WO2003-080817-A1 corresponds to US-20050227354-A1 and US-20080227204-A1. Also, all of the Restrictions, Non-Final Office Actions, Final Office Actions, and Advisory Actions from co-pending Appl. Nos. 11/831,423, 10/486,512, 10/344,534, 11/790,025 and 10/509,055 are being cited herein for the Examiners consideration.**

IV. FEES (check one box)

- ☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.
- ☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.
- ☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.  
(This section is not to be used with RCE's.)
- ☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- ☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. **Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or**

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

- ☐ The required fee is listed on the attached Fee Transmittal.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.



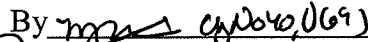
Application No.: 10/568,745

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: JUN 03 2009

Respectfully submitted,

By  (2040,069)

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Attachment(s):



PTO/SB/08



Document(s)



Foreign Search Report(s)



Fee



Other: